



## NEW JERSEY GENERAL ASSEMBLY

**MARLENE CARIDE**

ASSEMBLYWOMAN, 36TH DISTRICT

613 BERGEN BOULEVARD

RIDGEFIELD, NJ 07657

PHONE: (201) 943-0615

FAX: (201) 943-0984

EMAIL: AswCaride@njleg.org

### COMMITTEES

AGRICULTURE AND NATURAL RESOURCES

TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES

TELECOMMUNICATIONS AND UTILITIES

March 7, 2013

Judith A. Enck

Regional Administrator

U.S. Environmental Protection Agency, Region 2

290 Broadway

New York, NY 10007-1866

MAR 14 2013

Re: United States Environmental Protection Agency Region 2's Focused Feasibility Study

Dear Regional Administrator Enck:

As Assemblywoman of New Jersey District 36, I write to oppose the United State Environmental Protection Agency Region 2's Focused Feasibility Study (FFS). My district includes six (6) municipalities in the Lower Passaic River Study Area: East Rutherford, Lyndhurst, North Arlington, Passaic, Rutherford and Wallington. While it is difficult to comment on a document that has not been released, the document, reportedly, contains recommendations which will do nothing to assist these towns, will be detrimental to the restoration of the Lower Passaic River and will be disruptive to our community.

We urge Region 2 to set aside the FFS and allow the Remedial Investigation/Feasibility Study (RI/FS) for the entire 17 miles of the Lower Passaic River Study Area (LPRSA) to be completed as quickly as possible to examine all possible remedial alternatives. Together with all stakeholders, Region 2's focus must be on the development and implementation of one comprehensive remedial solution that restores the LPRSA and provides value to communities along the River.

In May 2007, the LPRSA Cooperating Parties Group (CPG) entered into an agreement with Region 2 to complete the RI/FS of the lower 17.4-miles of the Lower Passaic River – a process that is on schedule and slated to be completed in 2015 at a cost of over \$75 million. In June 2007, one month after the CPG and Region 2 executed the RI/FS Agreement, Region 2 issued its Draft FFS Report identifying remedial alternatives for final action for the sediments in the lower eight miles of the LPRSA. We understand that a revised draft FFS was presented to the National Remedy Review Board in December 2012, and the FFS and Proposed Plan are scheduled to be released in March 2013.

March 7, 2013  
Assemblywoman Caride  
Page 2 of 2

Re: United States Environmental Protection Agency Region 2's Focused Feasibility Study

We are in agreement that action needs to be taken to mitigate the contamination in the LPRSA. However, it is illogical to issue a final remedy for downstream before addressing upstream and ongoing contamination. It is also illogical to have two overlapping studies, especially since the data collected pursuant to the RI/FS should be considered in selecting a remedy for the full LPRSA. Since 2007, millions of dollars have been spent studying the LPRSA and characterizing the contamination to develop sound and effective remedial options. If Region 2 advances the FFS in the lower eight miles of the LPRSA, the data collected as part of the RI/FS throughout the 17-mile LPRSA will be rendered useless, as implementing a bank-to-bank remedy in the lower eight miles will result in recontamination throughout the LPRSA. Allowing years of work, millions of dollars and valuable data to be wasted would be completely irresponsible on the part of the EPA, and further delay any action in the upper nine miles of the river.

It is our understanding that the CPG has proposed an alternative remedy for the LPRSA called the Sustainable Remedy. As proposed, the Sustainable Remedy addresses the entire 17 miles of the LPRSA, not just the lower eight miles, and significantly reduces risk much quicker than the FFS without decades of dredging and community disruption. Based on what we know about the FFS, we believe the dredging proposed in the FFS will take decades – between 20 and 30 years – to complete, not the 6 to 11 years estimated by Region 2. We also have serious concerns about the bridge openings that will be required to support the FFS, the potential for significant traffic congestion, and potential air pollution that may result from a project of this magnitude.

The CPG is also proposing an out-of-river component as part of the Sustainable Remedy. This component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance local projects that will improve and enhance the watershed. We see a great deal of value in the out-of-river component of the CPG's Sustainable Remedy. The FFS fails to provide any value whatsoever to those riverfront communities that have been forced to deal with a contaminated Lower Passaic River for decades.

Simply put, the FFS is premature. The decisions made this year will impact our community for the next 100 years. Accordingly, we strongly recommend that Region 2 set aside the FFS, allow the CPG to complete the RI/FS as quickly as possible, examine all remedial alternatives for the entire 17 miles of the LPRSA based on all data that is and will become available, and work with the CPG and the riverfront communities to advance one comprehensive remedial solution that restores the River and provides value to communities along the River.

Sincerely,



Marlene Caride  
Assemblywoman, District 36

MC/cs  
Via Regular Mail